



Flathead County Planning & Zoning

1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



PETITION FOR ZONING AMENDMENT

*Submit this application, all required information, and appropriate fee (see current fee schedule)
to the Planning & Zoning office at the address listed above.*

FEE ATTACHED \$ 1010⁰⁰

APPLICANT/OWNER:

1. Name: Nodding Onion LLC. Phone: 406-250-7644
2. Mail Address: P.O. Box 2492
3. City/State/Zip: Kalispell, MT 59903
4. Interest in property: Rolland (Cork) Andrews - Member - Owner

Check which applies:



Map Amendment



Text Amendment:

TECHNICAL/PROFESSIONAL PARTICIPANTS:

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

**IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING
REGULATIONS, PLEASE COMPLETE THE FOLLOWING:**

- A. What is the proposed zoning text/map amendment?

I-2 Heavy Industrial

**IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE
COMPLETE THE FOLLOWING:**

- A. Address of the property: 980 Demersville Road - Kalispell, MT

- B. Legal Description: Tract 2 COS 10434
(Lot/Block of Subdivision or Tract #)

33 - 28 - 21
Section Township Range (Attach sheet for metes and bounds)

- C. Total acreage: 7.068

- D. Zoning District: Lower Side

- E. The present zoning of the above property is: I-1H

- F. The proposed zoning of the above property is: I-2

G. When the subject property was purchased by Nodding Onion LLC. in 2008, it was pretty much a disaster. There was trash, and what can only be described a junk covering 90 percent of the 7 acres. 100 percent was overgrown with noxious weeds. There was no lighting, mud paths for roads, and the surrounding neighbors experienced frequent robberies. Nodding Onion has had a long road in its efforts to turn this property around. Today, the roads on this, and surrounding properties have been converted to shale for mud free and virtually dustless surfaces. All buildings are lit, and robbery has essentially vanished. The property has undergone full Montana DEQ review for its water, sewer, and storm water retention systems. The final stage is then to match the properties zoning with its surrounding neighbors. The neighboring zoning to the south and west is I-2. The characteristics of the buildings on the neighboring properties closely fit that of the subject property. We share boundaries and easement roads for access with three neighbors that are zoned I-2. Currently, Nodding Onion uses part of the subject property, and leases out the rest. This action was approved by our Conditional Use Permit acquired in 2009, which allows for multiple primary uses. Being zoned I-2 would allow us greater flexibility in our leases, especially since some of our neighbors have expressed interest.

1. The proposed Amendment is in compliance with the Growth Policy. The property is located in an area designated Industrial on the Land Use Map. It is an appropriate area for heavy industrial, identified in the zoning text as an area "south on Highway 93 between Ashley Creek and Rocky Cliff."

2. a.) The proposed Amendment is designed to secure safety from fire and other dangers. There is adequate access off paved Demersville and Snowline Road. Both roads have access onto Highway 93 South.

b.) Public health, safety and general welfare is likewise promoted. The property is already located in an industrial area, with other industrial uses surrounding. As is apparent from the DEQ build out plan, the property has adequate open space, and already addresses issues such as dust and landscaping. For the sewer system to be approved, ground water monitoring was required, and no ground water was identified on the property.

c.) The property facilitates the adequate provision of public transportation, being that it is located at the corner of paved Demersville and Snowline roads. Water and sewage systems are already approved by the DEQ, and serve all current and future buildings. Since it is already an industrial property in an industrial area, schools and parks are not applicable to this property.

3. a.) The proposed Amendment does provide for adequate light and air. Even at full build out, there is a large amount of open space in the plan. Additionally, the build out plan was completed utilizing the I-1H setbacks, which are greater than proposed I-2.

b.) Motorized and non-motorized transportation systems will remain relatively unaffected by our change. One of our older neighbors is City Service Valcon, and who has approximately 55 over the road trucks that deliver gas around the region. In the last few years, Fun Beverage Distributing and FedEx have moved in across the street. Flathead County Road and Bridge has traffic counts for both Demersville and Snowline Roads, but not since 2005. Given our current neighbors, our current and future uses are low impact.

c.) The property is located in an industrial area, as designated by Flathead County and the City of Kalispell.

d.) The character of the district is already industrial. Additionally, the surrounding uses are already a cross section of heavy industrial uses; Wood products processing, parcel delivery services, and petroleum products.

e.) The existing buildings already most similarly match the neighboring I-2 properties/buildings.

4. The proposed Amendment is asking for I-2 zoning. The nearest municipality zoning is Kalispell Industrial. This is where Fun Beverage and FedEx are located.

MAY 16 2011

G. State the changed or changing conditions that make the proposed amendment necessary: _____

THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?
2. Is the proposed amendment designed to:
 - a. Secure safety from fire and other dangers?
 - b. Promote public health, public safety and the general welfare?
 - c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?
3. Does the proposed amendment consider:
 - a. The reasonable provision of adequate light and air?
 - b. The effect on motorized and non-motorized transportation systems?
 - c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?
 - d. The character of the district and its peculiar suitability for particular uses?
 - e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?
4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during approval process.


Owner/Applicant Signature(s)

3-10-2011
Date